

Supreme Court case that was rendered recently and it did deal with this particular subject matter. However at the same time, I think it is interesting and ironic that Senator Johnson hasn't recognized really what the root of that decision is and that is to say that those of us who have supported LB 319 were right, basically. What we were saying was that that ABC test can not be construed so strictly you can't recognize some particular circumstances which are embodied in LB 319 and the particular circumstances that we referred to as the Donnelley Corporation, such that it doesn't recognize the differences that may exist in different working situations, in that particular one, our feeling was that it really didn't come under the ABC test as written. The Labor Department disagreed and felt that they were under it and we felt the need to introduce this legislation. The Supreme Court has since in their decision agreed with our position basically saying that ABC test can not be construed so tightly that it doesn't recognize some of these circumstances which would not provide for unemployment compensation coverage for these workers. So our feeling is that this Legislation is now perhaps not needed as Senator Johnson talks about but it is still questionable and I don't want to take the chance of providing for yet another lengthy court decision that would end up perhaps in the same decision being made but nevertheless our thrust and the thrust of that Supreme Court decision are similar and thus I see no reason why we can't provide for this bill, pass this legislation and see that the problem is taken care of once and for all. I think the Supreme Court test has definitely caused great difficulty in this whole area and I would suggest that it is going to call for a review by the Business and Labor Committee and I already mentioned this to Senator Barrett, it is clear that they are going to have to review the whole ABC test question. Perhaps in that review they can find a way to deal with these particular problems such that there isn't a need for specific exemptions such as the Donnelley exemption. Keep in mind that this exemption is one of, some of, I think there are about 20 or so that are now in the statute so there are a long list of exemptions to the unemployment comp laws in our state that have specifically dealt with specific problems in particular circumstances that would provide a need for exemptions. So it seems to me that this is in keeping with previous activity. It is in keeping with the concerns that we had and that I think we should proceed with the Legislation. I don't want to take the risk, I don't want to take the chance that the problem that we are trying to address with this bill would not be addressed through that Supreme Court case. I think we should proceed, the Supreme Court decision is similar to what we are trying to suggest with this bill, we should pass LB 319 and get on with the matter at hand.